WASHINGTON POST
AND TIMES HERALD
APR 10 1961
Approved For Release 2000/04/13 : CIA-RDP70-00058R[redacted]

The Washington Post

AN INDEPENDENT NEWSPAPER

MONDAY, APRIL 10, 1961 PAGE A10

Listening In

Senator Dodd speaks with so much sense and sensibility respecting the evils of wire tapping that the bill he has introduced to legalize this invasion of privacy seems incomprehensible in the light of his own arguments against it. In remarks delivered on the floor of the Senate recently, he asked:

> Are we to continue to allow private sneaks or even public guardians to intercept the most intimate conversations between a man and his wife, a mother and her daughter, a patient and his doctor, a clergyman and his parishioner, a client and lawyer, a businessman and his colleague, a friend and his neighbor?

This sounds like a rhetorical question, and one would expect the answer to be a resounding No. But Senator Dodd's answer is to authorize wire tapping by Federal, state and local enforcement officials in connection with a number of specific crimes upon the permission of the United States Attorney General or upon the order of a Federal or state court. The effect would be to expose to official eavesdroppers all the kinds of "intimate conversations" enumerated by the Senator. For the inescapable fact is that wire tapping cannot be done selectively; it makes audible the talk of everyone who uses a tapped phone, however innocent, however privileged and however unconnected with the crime.

The roster of crimes for which Senator Dodd would permit wire tapping is appalling. It includes espionage, treason, sabotage, sedition, kidnaping, murder, extortion, bribery, gambling, racketeering and violation of narcotics laws. This would authorize an incalculable amount of wire tapping and leave precious little protection for privacy.

The experience of New York State, where wire tapping has been permitted for some years by court order, refutes the notion that it can be effectively limited by this means. In the first place, many judges issue any wire tap order requested by a district attorney or a police officer. In the second place, the usual practice is to tap first and ask for an order afterwards if the tap produces evidence which the tappers want to use in court. As the Senator himself acknowledged, "one responsible observer of the problem in New York City places the number of illegal police wire taps in a recent year as high as 30,000."

When wire tapping is on such widespread [illegible] dom of communication is curtailed for the law abiding as well as for lawbreakers. People fearful that their conversation may be monitored will feel constrained in talking about political controversy, about business projects, about all manner of personal opinions about matters which entail no violation of law but which it might be embarrassing to have recorded or repeated.

Such constraint is not consonant with freedom. To avoid it—even at some sacrifice of efficiency in law enforcement—Americans have always forbidden the police to make searches at random or to read first-class mail, or to invade the privacy of homes for eavesdropping purposes. We submit that if the public interest in combating crime is to be kept in rational balance with the public interest in privacy, wire tapping must be rigorously limited—much more rigorously limited than it would be in Senator Dodd's bill.

It should be limited, we believe, to serious threats to national security—treason, espionage, sabotage—and to employment by the appropriate Federal law enforcement agencies alone. It should be undertaken, we believe, only upon certification by the Attorney General of the United States, the Secretary of Defense or the Director of the Central Intelligence Agency that it is necessary to [illegible] security and only with the authorization of a panel of three Federal District Court judges. This is, admittedly, a restrictive arrangement; it would make wire tapping difficult. So it should be, we believe, in a society that does not desire to exalt order at the cost of liberty.

Approved For Release 2000/04/13 : CIA-RDP70-00058R000200150042-7